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March 13, 2017

To: Hon. Magistrate Judge Gold
United States District Court/EDNY; via ecf

Re: Alkhatib v. New York Motor Group LLC, et al. 13-CV-2337 (ARR)(SMG)
consoliidated with: 13-cv-5643; 13-cv-7290; 13-cv-7291; 14-cv-2980; 14-cv-2981; 15-cv-284; 15-cv-4691; 15-cv-5374

I represent the four remaining defendants: Nada & Mamdoh Eltouby and the two dealerships. I respectfully ask for a 10-day extension from tomorrow to serve my clients' opposition papers to plaintiffs' "spoliation sanctions" motion regarding New York Motor Group's previously discarded surveillance system.

My medical condition has markedly worsened. On March 24th I must again undergo major surgery at NY Presbyterian Hospital. I have been too weak to timely complete my clients' opposition papers. The doctors believe my heart will sufficiently strengthen by March 24th to enable the surgery to proceed.

The spoliation claim arose long before I substituted for my clients' previous counsel. I recently spoke with the owner of the dealership which succeeded New York Motor Group as tenant of the subject rental premises, and thereby inherited the surveillance system. I am awaiting from him the name of the company it hired to replace the old surveillance cameras of New York Motor Group, to be able to confirm by affidavit of the installer that the surveillance system was only able to preserve its recorded images less than two weeks, to defeat plaintiffs' motion. I will receive that information this week and will prepare the affidavit for service within the 10-day period sought herein.

Respectfully,

/s/ RS, ESQ.

RICHARD SIMON, ESQ.